

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARMANDO CERVANTES,

Case No.: 2:20-cv-01829-JAD-NJK

Petitioner

v.

Order Dismissing Action

UNITED STATES OF AMERICA,

Respondent

Petitioner Armando Cervantes has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241¹ but has failed to submit an application to proceed *in forma pauperis* or pay the filing fee. As a result of this deficiency, this matter has not been properly commenced.² So the court dismisses this action without prejudice to Cervantes's ability to file a new petition in a new action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.³ Petitioner at all times remains responsible for properly exhausting his claims, for calculating the running of the federal limitation period as applied to his case, and for properly commencing a timely filed federal habeas action.

¹ ECF No. 1-1.

² 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

³ The court further notes that the petition would be subject to dismissal for the independent reason that Cervantes did not set forth any grounds for relief on the form petition that he submitted.

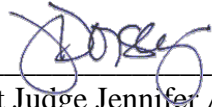
1 IT IS THEREFORE ORDERED that the Clerk **detach and file the petition [ECF No. 1-**
2 **1].**

3 IT IS FURTHER ORDERED that **the petition is DISMISSED** without prejudice as set
4 forth in this order.

5 IT IS FURTHER ORDERED that a certificate of appealability is DENIED because
6 jurists of reason would not find this action debatable.

7 IT IS FURTHER ORDERED that the Clerk ENTER JUDGMENT accordingly and
8 CLOSE THIS CASE.

9 Dated: October 29, 2020

10 
11 U.S. District Judge Jennifer A. Dorsey
12
13
14
15
16
17
18
19
20
21
22
23